

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 10/508,862
Attorney Docket No. Q83761

Accordingly, withdrawal of the rejection of claims 1-7 under 35 U.S.C. § 112, first paragraph, is requested.

Claim Rejections - 35 U.S.C. § 102

As noted above, claims 1-7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cortese. Applicant respectfully traverses and submits that Cortese fails to teach or suggest all the limitations of these claims, as evidenced by the following.

With respect to claim 1, A device for infusion of coffee is defined by claim 1, which comprising, *inter alia*, a heat exchanger (1), provided with water inlet means and water outlet means at a higher temperature; an infusion mechanism (2), that comprises a water inlet chamber (25) coming from the heat exchanger (1) and an outlet chamber (26) adapted for receiving a dosage; and a coffee dosage carrying mechanism (3) coupled to the infusion mechanism (2). Claim 1 additionally recites the feature of the heat exchanger (1), the infusion mechanism (2) and the dosage carrying mechanism (3) are ***respectively coupled together*** vertically and integrally in continuation and defining a longitudinal axis (Y-Y). As further defined by claim 1, the dosage carrying mechanism (3) comprises a dosage carrying body (30) in which the dosage is placed, and a longitudinal movement mechanism provided with a drive arm (31), rotatable in both directions around the longitudinal axis (Y-Y) such that rotation of the drive arm (31) in a first direction brings about upward vertical movement of the dosage carrying body, raising the dosage carrying body (30) to the infusion mechanism (2) outlet chamber (26), wherein rotation of the

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REMARKS

Upon entry of the present Amendment, claims 1-14 are all the claims pending in the application. Claims 1-7 are amended, and new claims 8-14 are added. No new matter is presented.

Dealing with preliminary matters first, Applicant notes that the Examiner has not indicated that the drawings filed September 24, 2004 have been accepted. However, as requested in the Office Action, Applicant has reviewed the Specification and Figures 1-2 and is not aware of any reference characters that are (1) not described in the specification or (2) mentioned in the specification but not included in the drawings. Accordingly, the Examiner is kindly requested to indicate acceptance of the drawings in the next Action.

To summarize the Office Action, claims 1-7 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, and claims 1, 3 and 4 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cortese (EP 067141). The outstanding rejections are addressed below.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejects claims 1-7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for lack of antecedent support for certain elements of claim 1. Applicant has amended claim 1 to clarify antecedent support for elements identified by the Examiner.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 10/508,862
Attorney Docket No. Q83761

drive arm (31) in a second direction, which is opposed to the first direction, brings about downward movement of the dosage carrying body (30), thereby allowing the dosage to be extracted. In addition, claim 1 recites the feature of the dosage is placed in the dosage carrying body for infusion and extracted from the dosage carrying body after infusion *without detaching* the dosage carrying mechanism from the infusion mechanism.

Applicant submits that Cortese fails to fails to teach or suggest at least the feature of the dosage is placed in the dosage carrying body for infusion and extracted from the dosage carrying body after infusion *without detaching* the dosage carrying mechanism from the infusion mechanism, as claimed. In this regard, Applicant notes that Cortese is directed to a device for infusion of coffee in pre-measured dosages comprising a dosage carrying mechanism independent of the functional unit that comprises the infusion mechanism, the heat exchanger and the water tank.

For instance, Cortese teaches that connecting means 56 are provided for removably connecting the percolator cup 48 to the fixed tubular support 18. Further, the percolator cup 48 is adapted to be connectable at the top, to the tubular body or support. Thus, the percolator cup 48 is engaged to the tubular support 18 when coffee is to be prepared. *See* Cortese at Figs. 1 and 2. Indeed, Cortese teaches that “in use, the bottom portion of tubular support (18) is engaged by the top portion of a cylindrical lateral wall (47) of a percolator cup (48) which is closed at the bottom...”, and that “in actual use, after placing a cake (55) inside filter (53), cup (48) is fitted to tubular support (18) by positioning it beneath support (18) so that appendixes (57) are aligned...” *See* Cortese at col. 3, lines 44-47 and col. 4, lines 10-14.

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Attorney Docket No. Q83761

Thus, in the infusion device of Cortese, the dosage carrying mechanism must be *coupled and uncoupled* (i.e., detached) from the functional unit for loading and unloading of the coffee dosage. As a consequence, the dosage carrying mechanism of Cortese needs to be uncoupled and *completely separated* by the user before and after each infusion operation.

Conversely, claim 1 defines a device for infusion of coffee in which the dosage may be loaded, or placed, in a dosage carrying body *without detaching* the dosage carrying mechanism from the infusion mechanism. Similarly, the infused dosage can be extracted from the dosage carrying body of the claimed device with detachment of the dosage carrying mechanism and the infusion mechanism itself. Thus, the structure defined by claim 1 provides a device for infusion of coffee that eliminates the need to attach and detach a dosage carrying mechanism after each use, thereby providing a simplified and efficient infusion operation.

As evidenced by the above discussion, Cortese fails to teach or suggest all the features of the device for infusion of coffee defined by claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 is requested. Further, Applicant submits that claims 2-7 are allowable *at least* by virtue of depending from claim 1.

New claims

In order to provide additional claim coverage merited by the scope of the invention, Applicant is adding new claims 8-14.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 10/508,862
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With respect to claim 8, Applicant submits that the infusion device defined by claim 8 is allowable at least by virtue of reciting “wherein the outer body includes at least one side opening adapted to receive the dosage therethrough for placement and extraction of the dosage on the dosage carrying body without detaching the dosage carrying mechanism from the infusion mechanism.” As discussed above, Cortese teaches that dosage carrying mechanism must be *coupled and uncoupled* (i.e., detached) from the functional unit for loading and unloading of the coffee dosage, and therefore fails to suggest at least one side opening, as claimed, in which placement and extraction of the dosage occurs without detachment of a dosage carrying mechanism from an infusion mechanism.

With respect to new claims 9-14, Applicant submits that these claims are allowable at least by virtue of depending from claim 8.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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